

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JACK FOSTER OUTTEN,)	
)	
Petitioner,)	
)	
v.)	Civ. No. 98-785-SLR
)	
ROBERT E. SNYDER and M. JANE)	
BRADY,)	
)	
Respondents.)	

O R D E R

At Wilmington this 8th day of March, 2005, having reviewed the remand from the United States Court of Appeals for the Third Circuit and the papers associated with such;

IT IS ORDERED that:

1. On or before **March 22, 2005**, petitioner shall identify the issues for appeal pursuant to 28 U.S.C. § 2253(c).

2. On or before **April 5, 2005**, respondents shall identify the issues for appeal pursuant to 28 U.S.C. § 2253(c). If respondents contend that there are no issues that satisfy § 2253(c), respondents shall specifically: (a) affirm for the record that it proposes that no substantive appeal should be allowed in this case, where the State proposes to take petitioner's life absent judicial intervention; and (b) explain for the record its reasoning for such a proposition, taking into account the liberal language of Fed. R. App. P. 22 and identifying any case law where the right of appeal has been

denied in a death penalty case on this basis.

3. On or before **April 12, 2005**, petitioner may file a reply.


United States District Judge